

REGULATION 2.05 Prevention of Significant Deterioration of Air Quality

**Air Pollution Control District of Jefferson County
Jefferson County, Kentucky**

Relates To: KRS Chapter 77 Air Pollution Control

Pursuant To: KRS Chapter 77 Air Pollution Control

Necessity and Function: KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation, which adopts the Federal Prevention of Significant Deterioration of Air Quality program, provides for the prevention of significant deterioration of air quality where the national ambient air quality standards have been achieved.

SECTION 1 General Provisions

40 CFR 52.21 *Prevention of Significant Deterioration of Air Quality* (July 1, 2008 ~~2004~~) is adopted and incorporated by reference with the following changes:

1.1 Subsection (a)(1) Plan disapproval is not incorporated.

1.2 The term "administrator" as it appears in 40 CFR 52.21 shall mean the Louisville Metro Air Pollution Control District (hereinafter "District"), except that:

1.2.1 In subparagraph (b)(3)(iii) (relating to "net emissions increase"), it shall mean either the District or the Administrator of the United States Environmental Protection Agency (USEPA).

1.2.2 In the following subsections, it shall continue to mean the Administrator of the USEPA:

1.2.2.1 (b)(17),

1.2.2.2 (b)(37)(i),

1.2.2.3 (b)(43),

1.2.2.4 (b)(48)(ii),

1.2.2.5 (b)(50)(i),

1.2.2.6 (b)(51),

1.2.2.7 (g)(1)-(g)(6),

1.2.2.8 (l)(2),

1.2.2.9 (p)(1)-(p)(2),

1.2.2.10 (t).

1.3 Subsection (c) Ambient air increments shall have the following sentences added at the end: “No single new or modified stationary source may consume an inordinate portion of the available increment, as determined by the Board. The Board may consider air quality and economic impacts on the community in determining the appropriate amount of increment allowed for a new or modified stationary source.”

1.4 Subsection (h)(1) shall read “The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by a dispersion technique pursuant to District Regulation 2.10 Stack Height Considerations.”

1.5 Subsection (h)(3) is added and shall read “The Board may require an increase in the stack height of a proposed new source or modification if the applicant’s modeling demonstration indicates an inordinate amount of increment consumption. In no event shall such increased stack height exceed the stack height allowed for the modeling demonstration pursuant to subsection (h)(1) of this Regulation.

1.6 Subsection (q) Public participation is not incorporated. The District shall follow the applicable public participation procedures in District Regulation 2.07.

1.7 Subsection (s) Environmental impact statement is not incorporated.

1.8 Subsection (u) Delegation of authority is not incorporated.

1.9 The following sections of 40 CFR 52.21 are not incorporated herein:

1.9.1 The second sentence of (b)(2)(iii)(a),

1.9.2 (b)(55),

1.9.3 (b)(56),

1.9.4 (b)(57),

1.9.5 (b)(58),

1.9.6 (cc).

1.10 The Executive Director of the District shall transmit to the Administrator of the USEPA a copy of each permit application filed under this regulation and shall notify

the Administrator of the USEPA of each significant action the Executive Director takes on the application.

1.1 ~~Paragraph (a) *Plan disapproval* is not incorporated.~~

1.2 ~~A new paragraph (a) *General* is added and shall read as follows:~~

(1) ~~The term “Administrator,” shall be read as “District” except in the following paragraphs, in which case the term “Administrator” shall be read as “Administrator of the EPA”:~~

(i) ~~Paragraph (b)(2)(iii)(h) [Not in paragraph (b)(2)(iii)(h)(1) or (2)],~~

(ii) ~~Paragraph (b)(17),~~

(iii) ~~Paragraph (b)(37)(i),~~

(iv) ~~Paragraph (f)(1)(v)~~

(v) ~~Paragraph (f)(4)~~

(vi) ~~Paragraph (g)~~

(vii) ~~Paragraph (l)(2)~~

(viii) ~~Paragraph (p)(1)~~

(ix) ~~Paragraph (p)(2)~~

(2) ~~The terms “reviewing authority” and “permitting authority” shall be read as “District.”~~

(3) ~~The term “section,” when referring to 40 CFR 52.21, unless otherwise specified in this regulation, shall be read as “Regulation.”~~

(4) ~~The term “of this chapter” shall be read as “40 CFR.”~~

(5) ~~Any reference to a permit issued under this section shall include a permit issued under this Regulation.~~

1.3 ~~Paragraph (b)(1)(ii) shall read “A major stationary source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone.~~

1.4 ~~Paragraph (b)(2)(ii) shall read “Any net emissions increase that is significant for volatile~~

~~organic compounds or nitrogen oxides shall be considered significant for ozone.”~~

~~1.5 Paragraph (b)(13) shall be replaced by paragraph (b)(13) of 40 CFR 51.166 (2001).~~

~~1.6 Paragraph (b)(14) shall be replaced by paragraph (b)(14) of 40 CFR 51.166 (2001).~~

~~1.7 Paragraph (b)(15) shall be replaced by paragraph (b)(15) of 40 CFR 51.166 (2001).~~

~~1.8 Paragraph (b)(18) shall be replaced by paragraph (b)(18) of 40 CFR 51.166 (2001).~~

~~1.9 Paragraph (b)(29) is not incorporated.~~

~~1.10 Paragraph (b)(30) shall read “Volatile organic compounds (VOC) is as defined in Regulation 1.02.”~~

~~1.11 Paragraph (c) Ambient air increments. shall have the following sentence added at the end:
“No single new or modified stationary source may consume an inordinate portion of the available increment, as determined by the Board. The Board may consider air quality and economic impacts on the community in determining the appropriate amount of increment allowed for a new or modified stationary source.”~~

~~1.12 Paragraph (f) is added and shall read as in 40 CFR 51.166 (2001) paragraph (f) with the following changes:~~

~~1.12.1 Paragraph (f)(1) shall read “The District, after notice and opportunity for public comment pursuant to the procedures in Regulation 2.07 Public Notification for Title V, PSD, and Offset Permits; SIP Revisions; and Use of Emission Reduction Credits, and approval by the Board, may exclude the following concentrations in determining compliance with a maximum allowable increase:”~~

~~1.12.2 The first sentence of paragraph (f)(2) shall read “No exclusion of such concentrations pursuant to paragraph (f)(1)(i) or (ii) shall apply more than five years after the effective date of the order to which paragraph (f)(1)(i) of this section refers or the plan to which paragraph (f)(1)(ii) of this section refers, whichever is applicable.”~~

~~1.13 Paragraph (h)(1) shall read “The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by a dispersion technique pursuant to Regulation 2.10 Stack Height Considerations.”~~

115 ~~1.14 Paragraph (h)(3) is added and shall read “The Board may require an increase in the stack~~
116 ~~height of a proposed new source or modification if the applicant’s modeling~~
117 ~~demonstration indicates an inordinate amount of increment consumption. In no event~~
118 ~~shall such increased stack height exceed the stack height allowed for the modeling~~
119 ~~demonstration pursuant to paragraph (h)(1) of this Regulation.~~

120 ~~1.15 Paragraphs (i)(4)(i), (ii), (iii), (iv), (v), (ix), and (x) are not incorporated.~~

121 ~~1.16 Paragraph (i)(4)(vi) shall be replaced by paragraph (i)(4)(i) of 40 CFR 51.166 (2001).~~

122 ~~1.17 Paragraphs (i)(9), (10), (11), (12), and (13) are not incorporated.~~

123 ~~1.18 The last sentence of paragraph (l)(2) shall read “In addition, the use of a modified or~~
124 ~~substituted model shall be subject to notice and opportunity for public comment pursuant~~
125 ~~to the procedures in Regulation 2.07 *Public Notification for Title V, PSD, and Offset*~~
126 ~~*Permits; SIP Revisions; and Use of Emission Reduction Credits.*~~

127 ~~1.19 Paragraphs (m)(1)(v), (vii), and (viii) are not incorporated.~~

128 ~~1.20 Paragraph (p)(1) shall be replaced by paragraph (p)(1) of 40 CFR 51.166 (2001), except~~
129 ~~that the phrase “The plan shall provide that” is not incorporated.~~

130 ~~1.21 Paragraph (p)(3) is not incorporated.~~

131 ~~1.22 In the last sentence of paragraph (p)(5) The phrase “... State may authorize the~~
132 ~~Administrator ...” shall be replaced by the phrase “... District may ...” and the word “to”~~
133 ~~preceding the word “issue” is not incorporated.~~

134 ~~1.23 References to paragraph (q) in paragraphs (p)(6), (7), and (8) are corrected to read~~
135 ~~paragraph (p).~~

136 ~~1.24 The word “shall” in the last sentence of paragraph (p)(6) shall read “may”.~~

137 ~~1.25 The word “shall” in the last sentence of paragraph (p)(7) shall read “may”.~~

138 ~~1.26 Paragraph (q) *Public participation.* shall be replaced by paragraph (q) of 40 CFR 51.166~~
139 ~~(2001) with the following changes:~~

140 ~~1.26.1 The introductory phrase “The plan shall provide that:” is not incorporated.~~

141 ~~1.26.2 Paragraph (q)(2)(ii) shall read “Follow the applicable procedures of Regulation 2.07~~

~~Public Notification for Title V, PSD, and Offset Permits; SIP Revisions; and Use of Emission Reduction Credits in processing applications under this regulation.~~

~~1.26.3 Paragraphs (q)(2)(iii), (iv), (v), and (vi) are not incorporated.~~

~~1.27 Paragraphs (r)(1) and (2) are not incorporated.~~

~~1.28 Paragraph (s) Environmental impact statements. is not incorporated.~~

~~1.29 Paragraph (t) Disputed permits or redesignations. is not incorporated.~~

~~1.30 Paragraph (u) Delegation of authority. is not incorporated.~~

~~1.31 The phrase "in writing no later than the close of the comment period under 40 CFR 124.10" in paragraph (v)(1) is not incorporated.~~

~~1.32 The word "shall" in paragraph (v)(2) shall be replaced by the word "may".~~

~~1.33 The phrase "under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of this section," shall be replaced by the phrase "under 40CFR 52.21 or this Regulation as in effect on July 30, 1987, or any earlier version of 40 CFR 52.21 or this Regulation,".~~

~~SECTION 2 Availability~~

~~Copies of the full text of 40 CFR 52.21 Prevention of Significant Deterioration of Air Quality (2001), as modified pursuant to Section 1, are available from the District at the following addresses:~~

~~2.1 Air Pollution Control District of Jefferson County~~

~~850 Barret Avenue~~

~~Louisville, Kentucky 40204~~

~~2.2 The District's Internet home page:~~

~~<http://www.apcd.org>~~

~~Adopted v1/4-19-72; effective 4-19-72; amended v2/6-13-79, v3/4-21-82, v4/11-16-83, v5/4-16-86, v6/2-17-88, v7/4-19-89, v8/6-19-02, v9/_____.~~